

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON: May 28, 2003

SUBJECT/TITLE: Public Hearing on Ordinance #03-O-33 West Tharpe Street
Voluntary Annexation

TARGET ISSUE: N/A

STATEMENT OF ISSUE

The owner of one parcel (Tax ID #2119204010000) containing approximately 18 acres, located between West Tharpe Street and Northwest Passage, has petitioned for annexation into the City. This is a split parcel, with the northern half of the property having been annexed into the City in 1989 as part of the Northwest Passage annexation. The owner plans to construct high-density residential units on the property.

The ordinance was introduced at the May 14 City Commission meeting. Since this ordinance was introduced at the last minute as an agenda modification, staff review of the proposed annexation was not included. Responses from affected departments are included in the Statement of Urban Services under the supplemental information section of this agenda item.

The City Attorney has determined that this annexation fully qualifies under the statutory requirements of Chapter 171, Florida Statutes.

The required information was forwarded to Leon County on May 22, 2003, but has not yet been scheduled for consideration by the County Commission.

RECOMMENDED ACTION

Option 1: Hold the public hearing and pending no objections from the Leon County Board of Commissioners, approve Ordinance #03-O-33 effective May 28, 2003. The City Commission, by this action would comply with its policies and the statutory requirements for annexation.

FISCAL IMPACT

The current taxable value of the entire parcel (of which half is already within the city limits) is only \$8440 due to an agricultural exemption. Based on this information, the unannexed part of the parcel would have generated approximately \$13.50 in property taxes in 2002 had it been inside the City Limits. Water and sewer service are available to the property. Staff is unable to determine future city costs related to utility extensions, street lighting, road maintenance, and related services since a site plan has not been submitted by the developer.

Dinah Hart, Administrative Services Manager
Department of Management and Administration

Anita R. Favors
City Manager

For Information, please contact: Dinah Hart, ext.8209

ITEM TITLE:

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The proposed annexation area consists of approximately 18 acres of undeveloped property, located between West Tharpe Street and Northwest Passage, in the Urban Services Area. This property is a split parcel, with the northern half (20 acres) having been annexed into the city in 1989 as part of the Northwest Passage annexation. It is important to note that annexation of the entire southern half, consisting of 20 acres, was not possible since an enclave would have been created (two parcels fronting on Capital Circle Northwest remain in the unincorporated area). Given this situation, the owner agreed to annex all but a 50' border along the southern and eastern boundaries of the property in order to allow for access into the unincorporated area. The owner plans to construct high-density residential units.

Approval of the annexation would support the Annexation Goals as identified in the Comprehensive Plan.

STATEMENT OF URBAN SERVICES

I. Introduction

The purpose of this statement is to provide information on the land use compatibility and level of urban services that will be provided to the proposed West Tharpe Street annexation.

II. Land Use

The area proposed for annexation consists of approximately 18 acres and is located within the Urban Services Area (USA). According to the Planning Department, the property is located in the Mixed Use land use category on the Future Land Use Map. This property is zoned M-1 (Light Industrial) on the Official Zoning Map. If multi-family residential is desired, the property will either need to be rezoned conventionally, at time of annexation, or through a P.U.D. to allow residential use. Leon County Property Appraiser's records show no structures on site at this time.

Staff has reviewed the proposed annexation of subject parcel on West Tharpe Street west of the intersection of Capital Circle NW and West Tharpe (tax ID # 21-19-20-401-0000). The information required in Intergovernmental Element Policy 2.1.4 was not supplied to the Planning Department for their review. The Department could find the proposal consistent with the Comprehensive Plan, subject to the following provisions being met:

- The annexation is in accordance with the requirements of Chapter 172, Florida Statutes as set forth in Policy 2.1.4[I].
- The plan for annexation shall be provided by the City Manager to the County Administrator and the Board of County Commissioners at the time it is provided to the City Commission. All procedures for review and comment on the annexation as set forth in Policy 2.1.4[I] shall be followed.
- The City shall provide information as to how it will provide full urban services to the area to be annexed pursuant to Policy 2.1.1 {I}.

- A description of how land use compatibility will be ensured, pursuant to Policy 2.1.4(a)[I].
- A description of how facilities will be provided and by which entity, pursuant to Policy 2.1.4(b)[I].
- A description of how the level of service standards will be maintained consistent with the Comprehensive Plan, pursuant to Policy 2.1.4 (c)[I].
- The amount of any agreed upon water and/or sewer rebate that will be due to the petitioner, pursuant to Policy 2.1.4(d)[I].

The following is provided as additional information related to this site:

- This property is in the Mixed Use B land use category. It is zoned M-1, which is a light industrial zoning category. This category allows a number of uses related to light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light industrial uses. This district is not intended to accommodate heavy industrial operations or residential development that would restrict the light industrial operations. Since there is no difference in the permitted uses between the City and County M-1 district, a rezoning to the City M-1 district will not be required.
- The information we have received states that the property owner wishes to develop high density residential at this site. M-1 zoning does not permit this use. A rezoning to a more intensive zoning category such as High Intensity Urban Activity Center or PUD would be necessary in order to develop high density residential uses. Rezoning to High Intensity Urban Activity Center would require a change to the Future Land Use Map from Mixed Use B to Activity Center.
- This property is surrounded on two sides by heavy industrial zoning (to the north and east). It is located in a larger area that is zoned for industrial use. Land Use Policy 2.1.1 lists items that should be included in the Land Development Regulations (LDRs) in order to insure compatibility between residential uses and other uses. Item (e) states that there should be a preclusion of future heavy industrial use adjoining any residential area. The intent is to avoid a scenario where residential uses are encroached on by industrial uses and also limiting the encroachment of residential use into areas zoned for and therefore anticipated to be industrial in nature. Staff noted in an analysis of a pending Comprehensive Plan Amendment that property zoned for industrial use had gone from 600 acres when the Plan was adopted (1990) to approximately 195 acres of vacant industrially zoned land, mostly through Future Land Use Map changes. Staff is concerned that changing the zoning from M-1 to a zoning category that allows residential uses at this site may be inconsistent with land use policy 2.1.1 (e) and would set up a scenario that will cause incompatibility issues between high density residential uses at this site and future industrial uses. This is a scenario we see in the Southern Strategy Area and would hope to avoid in other areas of the community. A comprehensive review of the future intent for this larger area needs to be considered before any additional land use changes are made in this area.
- Currently a request for a Future Land Use Map change from Industrial to Mixed Use B on a nearby parcel is proceeding through the plan amendment process. The proposed amendment is located approximately 300 feet east of this annexation site at the corner of West Tharpe and Capital Circle NW (Amendment 2003-2-M-002).

Concurrency

A review of the traffic concurrency tables shows deficiencies at the Capital Circle / Tharpe Street Intersection. On capital Circle from Tharpe Street to Tennessee Street there are 71 trips available and from

Tharpe Street to Hartsfield Road there are 13 trips available. On Tharpe Street from the property (western terminus of the street) to Capital Circle there are 16 trips available and from Blountstown to Capital Circle there are 32 trips available. All trip availabilities are as of this writing and are subject to change based on annual traffic counts and roadway projects coming into the 3 year letting window.

Status of Permits

No permits have been issued at this time.

III. Urban Services

The level of urban services that may be provided to the area proposed for annexation will be consistent with the level provided to areas within the City.

- A. Fire Protection Service – The City provides fire protection on an area wide basis. In the corporate limits, the fire department responds to alarms within an average of four (4) minutes. Fire Station #8 at 2543 Hartsfield Road and #3 at 2889 West Pensacola Street can provide fire and emergency services to this area.
- B. Police Protection Service – Tallahassee maintains a comprehensive law enforcement program. The full range of these services will be provided to the area upon annexation.
- C. Street Maintenance and Right of Way Service – Future maintenance needs cannot be determined since a proposed site plan has not yet been submitted. The City will assume responsibility for maintaining city-owned streets upon annexation. The City has a comprehensive public street construction program.
- D. Traffic Planning and Control – The maintenance of street signs, pavement markings, and traffic signals on city-owned streets will be assumed by the City upon annexation.
- E. Street Lighting – Tallahassee has a comprehensive program for the installation and maintenance of streetlights. However, the property is undeveloped at this time—therefore, the City will not incur any immediate expense for street lighting because of the annexation. There may be future costs that cannot be quantified at this time, because it depends on the future development plans for the parcel.
- F. Parks and Recreation Services – The City provides a comprehensive Parks and Recreation program and system of parks for its citizens. In noting that the subject property is to be developed for "high density residential units", it is of importance to note that the Northwest Park tract was purchased in 1996 to satisfy the need for active recreation facilities in this quadrant of the community, driven by previous annexations in this area. The Northwest quadrant is behind only the Northeast in terms of total population (51,711 in 2000), and is projected to remain in this position through at least 2020. There is a very high percentage of young families with children in this quadrant due to the rapid development of affordable housing in surrounding neighborhoods. In the primary census tracts in this area, 34.4% of all households are families with children under the age of 18, as compared with the county average of 27.2%. In this same area, children comprise 24.7% of the population, or 3,649 youth under the age of 18. If this property is to be annexed and developed, consideration should be given to developing the Northwest Park to satisfy both the current and future needs of this quadrant.

- G. Bus Service – The City owns and operates a public transit system. Annually, a system-wide analysis is performed to evaluate bus service within all areas of the corporate limits. Taltran currently provides service within three blocks of the annexation area at the intersection of West Tharpe Street and Capital Circle Northwest. Additionally, the Dial-a-Ride program, a specialized transportation service for citizens who are disabled, will be extended to this area upon annexation. The Dial-a-Ride program is also available to citizens over the age of 60 on a space available basis. Given the plans for a residential development, expansion of service to this area may impact the Dial-a-Ride program at such time that the property is developed.
- H. Electric Service – The City currently provides electric service to this area. Extension of electric service to new customers in the area will be in accordance with established policy and other utility agreements.
- I. Water and Sewer Service – Water and sewer are available to this property. The portion inside the city limits would be refunded in accordance with Ordinance No. 97-0-0063, the amount to be reimbursed for on-site water and sewer construction shall be \$600 per residential equivalent for water and \$1200 per residential equivalent for sewer or the actual per residential equivalent cost for sewer or the actual per residential equivalent cost for water and sewer, whichever is less. Ten percent of the total amount as calculated for reimbursement shall be transferred to the Affordable Housing Trust Fund (#105) and 90% of the total amount as calculated for reimbursement shall be paid to the developer or assignee. Reimbursement of approved on-site water and sewer extensions shall be made annually within 30 days after the thirtieth day of September for half of the per residential equivalent cost as noted above for those residential units for which permanent water, sewer and electric services have been connected.
- The portion of this property that remained outside the city limits would be treated as such for refunding purposes (no on site refunds for sewer, water to be refunded based on economic feasibility.) It is likely that all of the development area for water and sewer would be located within the City Limits, in which case, it would all qualify for onsite refunding.
- J. Gas Service – The City generally provides natural gas to a site when requested and after a feasibility analysis.
- K. Stormwater Service – Stormwater services to the area will be provided at the same level as currently provided to areas within the City.
- L. Solid Waste Service – Solid waste collection and disposal services will be provided by the City upon annexation.

OPTIONS

Option 1: Hold the public hearing and pending no objections from the Leon County Board of Commissioners, approve Ordinance #03-O-33 effective May 28, 2003. The City Commission, by this action would comply with its policies and the statutory requirements for annexation.

Option 2: Pending no action from the Leon County Board of Commissioners, hold the public hearing on Ordinance #03-O-33 and delay final action on this annexation until further date.

Option 3: Hold the public hearing on Ordinance #03-O-33 and at the conclusion of the hearing, deny the petitioner's request for voluntary annexation.

Option 4: Hold the public hearing on ordinance #03-O-33, but continue the hearing until a date certain. This would delay final action on the annexation.

RECOMMENDATION

Option 1: Hold the public hearing and pending no objections from the Leon County Board of Commissioners, approve Ordinance #03-O-33 effective May 28, 2003. The City Commission, by this action, would comply with its policies and the statutory requirements for annexation.

ATTACHMENTS/REFERENCES

Attachment I – Proposed Ordinance #03-O-33

Attachment II – Location Map

ORDINANCE NO. 03-O-33

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

WEST THARPE STREET

COMMENCE at a concrete monument marking the Northwest Corner of said East Half of Section 30 on the North boundary line of said Section 30; thence run East along the North boundary line of said Section 30 a distance of 1,336.90 feet to a concrete monument marking the Southwest corner of Lot 55 of the Plantation of the Florida Pecan Endowment Company, a subdivision as per plat thereof recorded in Plat Book 1, Page 4, of the Public Records of Leon County, Florida; thence North, along the West line of said Lot 55, to the Northwest corner of said Lot 55; thence East, along the North line of said Lot 55, to the Northeast corner of said Lot 55 and the Northwest corner of Lot 56 of said subdivision; thence East, along the North boundary of said Lot 56, to an intersection with the Westerly right-of-way boundary of State Road No. 263 (Capital Circle); thence run North 00 degrees 59 minutes West along said Westerly right-of-way boundary a distance of 959 feet, more or less, to an intersection with the south boundary of Lot 48 in the subdivision of Section 19, Township 1 North, Range 1 West, as shown by supplementary map of the Plantation of the Florida Pecan Endowment Company, recorded in Plat Book 1, Page 4 of the Public Records of Leon County, Florida, thence, leaving said westerly right-of-way boundary, Westerly along the south boundary of said Lot 48 to its southwest corner; thence Southerly along the west boundary of Lot 49 of said supplementary map of the Plantation of the Florida Pecan Endowment Company to its southwest corner; thence Westerly along an easterly prolongation of the south boundary and along the south boundary of Lot 50 of said supplementary map of the Plantation of the Florida Pecan Endowment Company to an intersection with the east boundary of the southwest quarter of the southeast quarter of said Section 19, also being the east boundary of that property described in Official Record Book 2305, Page 30 (Tax I.D. 2119204010000), of the Public Records of Leon County, Florida; thence Southerly along said east boundaries to the southeast corner of the north half of the southwest quarter of the southeast quarter of said Section 19; thence Westerly, along the south boundary of said north half, a distance of 50.00 feet to the **POINT OF BEGINNING**. From said **POINT OF BEGINNING**, thence, 50 foot west of and parallel with said east boundaries, South 610 feet to a point that lies 50 foot northerly of the North boundary line of said Section 30; thence, 50 foot north of and parallel with said North boundary line of said Section 30, a distance of 1,286.90 feet to an intersection with the west boundary of the southwest quarter of the southeast quarter of said Section 19; thence Northerly along said west boundary, 610 feet to an intersection with the aforementioned south boundary of the north half of the southwest quarter of the southeast quarter of Section 19; thence easterly along said south boundary 1286.90 feet to the **POINT OF BEGINNING**; containing 18.02 acres, more or less.

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of

Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the _____ day of _____, 2003

PASSED the City Commission on the _____ day of _____, 2003

JOHN R. MARKS III, Mayor

ATTEST:

GARY HERNDON
City Treasurer-Clerk

APPROVED AS TO FORM:

JAMES R. ENGLISH
City Attorney